

She also said, "Perhaps most alarming among these is the fact that if statistics are any indication, the system may well be allowing some innocent defendants to be executed."

Justice O'Connor now joins Supreme Court Justices Harry Blackmun and Lewis Powell, who also late in their lives came to reconsider their support of the death penalty.

But most importantly Justice O'Connor now joins the growing chorus of Americans who are concerned about the risk of executing the innocent and the fairness of the administration of the death penalty.

Congress can and should play a role in ensuring fairness. We can create an independent, blue ribbon panel to review the fairness of the administration of the death penalty at the state and federal levels. With so many serious concerns about how the death penalty is applied by the States and Federal Government, a simple, yet necessary, step is to create a commission to review these concerns. In addition, the Federal Government and all States that authorized the use of capital punishment should suspend executions while a thorough review of the death penalty system is undertaken.

I am pleased to be a cosponsor of legislation introduced by Senator LEAHY that will take some important steps towards reducing the risk of executing the innocent, the Innocence Protection Act. But more can be done and Congress should do more. Congress should create a national commission on the death penalty and support a moratorium on executions while the commission conducts its work.

If we can agree that the system is flawed and runs the risk of executing innocent people, then we can also agree that we should undertake a thorough top-to-bottom review of the death penalty system. And while we do so, it is simply unjust to proceed with executions. I urge my colleagues to sponsor the National Death Penalty Moratorium Act. Congress should do everything it can to prevent even one innocent person from being sentenced to death.

I yield the floor.

#### LOCAL LAW ENFORCEMENT ACT OF 2001

Mr. SMITH of Oregon. Mr. President, I rise today to speak about hate crimes legislation I introduced with Senator KENNEDY in March of this year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred December 20, 1991 in Russian River, CA. A 45-year-old gay man, Joseph Mitchell, was stabbed to death along Highway 116 by a hitch-

hiker. Paul Daniel Huyck, 19, was arrested in Springfield, Oregon the first week of January 1992 in connection with the crime. He was charged with murder and violation of parole.

I believe that government's first duty is to defend its citizens, to defend them against the harms that come out of hate. The Local Law Enforcement Enhancement Act of 2001 is now a symbol that can become substance. I believe that by passing this legislation, we can change hearts and minds as well.

#### NEW MEXICO FLOOD AND FEMA

Mr. DOMENICI. Mr. President, I rise today to thank my colleagues for acting quickly last summer in sending support to the Los Alamos community following the Cerro Grande fires. This swift response, coupled with the work of County officials, the Federal Emergency Management Agency and the Army Corps of Engineers helped control another act of mother nature that befell Los Alamos this past week.

Torrential rainstorms struck the region resulting in substantial flooding. In some areas the water swelled 60 feet as 1.75 inches of rain fell in less than one hour. Roads flooded and pavement was uprooted. Although at least six homes were evacuated, post-fire flood mitigation efforts prevented a much greater calamity.

Federal and local officials recognized a year ago that some of the fire damage created infrastructure problems that could lead to future flooding. This foresight proved decisive against the rushing floodwaters.

For example, the largest bridge in the town of Los Alamos—which spans the Pueblo Canyon—was saved by Congress' action and the efforts of the Army Corps of Engineers. Last year, recognizing the potential for floods, the Corps extended an 18-inch culvert to 7 feet in record time. I visited the culvert site during construction and was very impressed with the skill, dedication, and professionalism of the Corps of Engineers crew.

During the recent storms, the water swelled 55 feet and was within five feet from the top of the bridge. The bridge withstood the pressure, which it could not have done without the culvert. Without that culvert, the waters would have flowed over the roadway and probably destroyed the road and bridge. It would have cost \$15 million to replace the bridge.

More importantly, if the bridge had been destroyed half of the community would have been cut off from the laboratories and from all paved access to services and hospital facilities. Instead of direct access to the town, residents north of the bridge would have been rerouted twenty miles on dirt roads that traverse deep canyons.

Fortunately, Mr. President, this culvert and other mitigation measures

protected Los Alamos from its second natural disaster in two years. This is in large part due to the actions of my colleagues in Congress, and for this I extend my utmost gratitude. This assistance helped the people of Los Alamos to once again persevere against the odds.

#### SOUTH CAROLINA PEACHES

Mr. HOLLINGS. Mr. President, I rise to recognize South Carolina's peach farmers for their hard work and their delicious peaches.

Today, peaches from my home State have been delivered to offices throughout the Senate and the U.S. Capitol. Thanks to South Carolina's peach farmers, those of us here in Washington will be able to cool off from the summer heat with delicious peaches.

For a relatively small State, South Carolina is second in the Nation in peach production. In fact, this year farmers across my State planted more than 16,000 acres of peaches. However, a late freeze has reduced this year's crop size by 40 percent. Nevertheless, South Carolina's peach farmers wanted to give us, here in Washington, a taste of South Carolina. And as my colleagues can attest, these are some of the finest peaches produced anywhere in the United States.

As we savor the taste of these peaches, we should remember the work and labor that goes into producing such a delicious fruit. While Americans enjoy peaches for appetizers, entrees and desserts, most do not stop to consider where they come from. Farmers will be laboring all summer in the heat and humidity to bring us what we call the "perfect candy." What else curbs a sweet tooth, is delicious, nutritious and satisfying, but not fattening?

The truth is, our farmers are too often the forgotten workers in our country. Through their dedication and commitment, our Nation is able to enjoy a wonderful selection of fresh fruit, vegetables, and other foods. In fact, our agricultural system, at times, is the envy of the world.

As Senators and their staff feast on these delicious peaches, I hope they will remember the people in South Carolina who made this endeavor possible: The South Carolina Peach Council, David Winkles and the entire South Carolina Farm Bureau. They have all worked extremely hard to ensure that the U.S. Senate gets a taste of South Carolina.

I am sure everyone in our Nation's Capitol will be smiling as they enjoy these delicious South Carolina peaches.

#### THE VERY BAD DEBT BOXSCORE

Mr. HELMS. Mr. President, at the close of business yesterday, Monday, July 9, 2001, the Federal debt stood at \$5,709,925,391,754.47, five trillion, seven